



ORDER NOT FOR PUBLICATION
UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re

Robin Washington Hamilton,

Debtor.

Case No. 2:11-bk-53420-RK

Chapter 7

**ORDER ON DEBTOR'S MOTION TO
REOPEN CHAPTER 7 CASE AND
VACATING THE OCTOBER 11, 2016
2:30 P.M. HEARING**

Pending before the court is the motion ("Motion") to reopen the above-captioned Chapter 7 bankruptcy case of Debtor Robin Washington Hamilton ("Debtor"), ECF 14, filed on July 27, 2016 through his counsel of record, Joseph Pittera, for the purpose of filing a motion to remove lien on real property. The Motion was noticed for hearing on October 11, 2016 at 2:30 p.m. No opposition was filed to the Motion.

The court, having reviewed the Motion, determines that pursuant to Local Bankruptcy Rule 5010-1(e) and 9013-1(q), a hearing on the Motion is not required, nor

1 necessary, takes the Motion under submission, vacates the October 11, 2016 hearing on
2 the Motion as improvidently noticed by Debtor, and rules as follows on the Motion.

3 The court determines that the Motion to reopen should be granted to allow the
4 Debtor "to administer assets, to accord relief to the debtor, or for other cause" under 11
5 U.S.C. § 350(b) and Federal Rule of Bankruptcy Procedure 5010 to allow Debtor to file a
6 motion to remove lien on real property, which as stated in the moving papers, may benefit
7 the estate. See also, 4 March, Ahart and Shapiro, *California Practice Guide: Bankruptcy*,
8 ¶ 23:151 at 23-19 (2015), citing, *inter alia*, *In re Menk*, 241 B.R. 896, 913 (9th Cir. BAP
9 1999)("[T]he reopening of a closed bankruptcy case is a ministerial act that functions
10 primarily to enable the file to be managed by the clerk as an active matter and that, by
11 itself, lacks independent legal significance and determines nothing with respect to the
12 merits of the case.").

13 Accordingly, IT IS HEREBY ORDERED as follows:

- 14 1. Debtor's Motion to reopen his above-captioned Chapter 7 bankruptcy case is
15 GRANTED pursuant to 11 U.S.C. § 350(b), Federal Rule of Bankruptcy
16 Procedure 5010, and Local Bankruptcy Rules 5010-1 and 9013-1(q), and the
17 bankruptcy case is ordered reopened.
- 18 2. The hearing on the Motion to reopen set for October 11, 2016 at 2:30 p.m. is
19 VACATED and TAKEN OFF CALENDAR. No appearances are required at the
20 October 11, 2016 at 2:30 p.m. hearing on the Motion.
- 21 3. Although the court grants the Motion, the court observes that Debtor's counsel,
22 Joseph Pittera, who filed the Motion on Debtor's behalf, acted contrary to Local
23 Bankruptcy Rule 5010-1(e) by calendaring a hearing date for the Motion
24 without prior court authorization, which expressly provides that, "A motion to
25 reopen may be ruled on without a hearing pursuant to LBR 9013-1(q). The
26 movant must not calendar a hearing date nor will a hearing be held on the
27 motion, unless otherwise ordered by the court." The court admonishes Joseph
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1 Pittera to read and obey the Local Bankruptcy Rules and, in particular, Local
2 Bankruptcy Rule 5010-1.

3 4. The case is ordered reopened without the reappointment of a Chapter 7
4 trustee.

5 **IT IS SO ORDERED.**

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23 Date: October 7, 2016



24 Robert Kwan
25 United States Bankruptcy Judge
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